

Inmate Classification

708.1 PURPOSE AND SCOPE

This policy describes the Cook County Department of Corrections' classification process, which is designed to identify the appropriate custody level so that an inmate may be held in such a way as to foster a safe and secure department.

708.1.1 DEFINITIONS

Definitions related to this policy include:

Civil detainee - Any person held in custody for a reason other than for criminal matters.

708.2 POLICY

It is the policy of the Cook County Department of Corrections to properly classify inmates according to the appropriate custody level so that appropriate supervision, temporary holding and housing assignments may be made.

708.3 CLASSIFICATION INSTRUMENT

The Executive Director or the authorized designee should create, maintain and update a classification instrument to guide members in the processing of individuals brought into the Department. The instrument should include an initial screening process, as well as a process for determining appropriate housing assignments (28 CFR 115.42). The instrument should include use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms and a process to ensure that all classification and housing records are maintained in the appropriate records management system. The instrument should include an evaluation of the following criteria:

- Age
- Gender
- Current charges
- Behavior during the intake process (e.g., cooperative, confused)
- Pretrial, awaiting sentence or sentenced status
- Probation or parole status
- Criminal and incarceration history
- Emotional and mental condition
- Self-attitude and future prospects
- Physical size and stature
- Potential risk of safety to others or self
- Gang activity

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- Special management inmate status
- Special needs assessment for vulnerable inmates
- Behavioral or physical limitations or disabilities (e.g., autistic, hyperactive)
- Medical condition
- Level of sobriety at booking
- History of substance abuse
- Suicidal ideation
- Escape history and degree of escape risk
- Prior assaultive or violent behavior
- The need to be separated from other classifications of inmates (e.g., juvenile offenders gang affiliation, confidential informant, former law enforcement, sexual orientation)
- Academic and vocational needs
- Special services and program needs
- Prior convictions for sex offenses against an adult or child
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming (see Prison Rape Elimination Act Policy for transgender and intersex definitions)
- Previous sexual victimization
- The inmate's own perception of his/her vulnerability
- Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the Department (28 CFR 115.41)
- Any other criteria as deemed appropriate by the Executive Director or the authorized designee

The instrument should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement (20 Ill. Adm. Code 701.70(a)).

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.41).

708.3.1 INMATE RESPONSE TO SCREENING

Inmates may not be compelled by threat of discipline to provide information or answers regarding (28 CFR 115.41):

- (a) Whether the inmate has a mental, physical or developmental disability.
- (b) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender nonconforming.

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- (c) Whether the inmate has previously experienced sexual victimization.
- (d) The inmate's own perception of vulnerability.

708.4 INITIAL CLASSIFICATION

The initial classification process is intended to identify predatory, violent and at-risk inmates. It should occur early in the intake process to allow for appropriate supervision while an inmate is being held in the Department.

Inmates should be interviewed by a member assigned to Classification as soon as possible in the booking process. The member shall complete the initial classification form. The instrument should include a score for the member to make a housing assignment.

708.5 CLASSIFICATION UPON HOUSING

708.5.1 INTERVIEW

The comprehensive classification process begins with a review of any initial classification information obtained during the reception and booking process, as well as an interview by the member assigned to Classification. The review of initial classification documents and the questions, answers and observations from the inmate's interview will be documented and numerically scored, representing the custody level and housing assignment appropriate for each inmate.

Individualized determinations shall be made about how to ensure the safety of each inmate (28 CFR 115.42).

708.5.2 OVERRIDE

The member assigned to Classification has the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the member's training and expertise in those instances when the numerical scores are not reflective of the inmate's potential security or health risk. All overrides will be reviewed by a supervisor and are intended to be an exception, rather than the rule.

Inmates who have an identified history of sexual victimization shall be offered a meeting with a health care or mental health professional within 14 days of screening (28 CFR 115.81).

708.6 REVIEWS

708.6.1 PERIODIC CLASSIFICATION REVIEWS

The classification member shall review the status of all inmates who have been incarcerated in the facility for 60 days. Additional reviews shall occur at least every 60 days, but more often if practicable (20 Ill. Adm. Code 701.70(c)). The review should examine changes in the inmate's behavior or circumstances and should either raise, lower or maintain the classification status (28 CFR 115.41).

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Housing and program assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats experienced by the inmate (28 CFR 115.42).

Inmate risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the inmate's risk of sexual victimization or abusiveness (28 CFR 115.41).

708.6.2 MEMBER REQUESTED REVIEW

At any point during an inmate's incarceration, a member may request a review of the inmate's classification. The reason for the review, the review itself and the outcome of the review shall be documented in the inmate's permanent file. Nothing in this section shall prohibit members from immediately moving an inmate to another location in the Department based on exigent circumstances. Under such circumstances, the member moving the inmate must immediately document the action and notify a sworn member assigned to Classification.

708.7 HOUSING ASSIGNMENTS

Inmates should be housed based upon the following criteria (20 Ill. Adm. Code 701.40(n)):

- Classification level
- Age
- Gender
- Legal status (e.g., pretrial or sentenced)
- Need for protection or separation
- Criminal sophistication
- Any other criteria identified by the Executive Director or the authorized designee

708.8 HOUSING SEPARATION

All male and female inmates, including inmates under the age of 18, shall be housed in completely segregated areas that prevent sight and sound contact (20 Ill. Adm. Code 701.70(b); 20 Ill. Adm. Code 720.50(a)). Those inmates held as witnesses shall be separated from inmates charged with an offense. Non-criminal offenders (e.g., traffic violators, non-support cases, civil contempt) housed in direct supervision housing should be separated from inmates charged with criminal offenses. Non-criminal offenders housed in indirect supervision housing should be kept separate, when possible, from criminal offenders.

Inmates with misdemeanor charges, when possible, should be housed separately from inmates charged with felonies. Charged inmates shall be kept separate from convicted inmates (20 Ill. Adm. Code 701.70(b)).

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708.9 CLASSIFICATION SPACE ALLOCATION

The custody level depends on the ability of the Department to physically separate different classes of inmates. To ensure that allocated space meets the current population needs, the Executive Director or the authorized designee should periodically meet with representatives of the appropriate departments/units to discuss the fixed resources (e.g., cells, dorms, dayrooms).

The Executive Director or the authorized designee should report at least quarterly to the appropriate departments/units regarding any space issues.

708.10 SINGLE-OCCUPANCY CELLS

Single-occupancy cells may be used to house the following categories of inmates:

- Maximum security
- Administrative segregation
- Medical condition or disabilities (upon consultation with medical staff and the availability of medical beds)
- Mental condition (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any inmate with an elevated risk of being taken advantage, mistreated or becoming a victim of sexual abuse or harassment
- Any other condition of status for single-occupancy housing

The classification supervisor shall notify the Superintendent or the authorized designee when single-occupancy cells are not available for housing the above described inmates. In such cases, a risk assessment shall be used to identify inmates in the above categories who may be safely housed together.

708.11 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS

Housing, bed, work and program assignments should be made to separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive (28 CFR 115.42). Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and members. All inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their safety. However, inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers (28 CFR 115.43; 28 CFR 115.68).

Housing and program assignments of a transgender or intersex inmate shall include individualized consideration for the inmate's health and safety and any related supervisory, management or

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department security concerns. A transgender or intersex inmate's views with respect to his/her own safety shall be given serious consideration.

Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is pursuant to a consent decree, legal settlement or legal judgment (28 CFR 115.42).

708.12 TRAINING IN CLASSIFICATION

Members assigned to Classification should receive training specific to inmate classification before being assigned primary classification duties. Individuals not specifically trained in inmate classification may work in classification provided that they are under the immediate supervision of a trained and qualified member.